

Assembly Bill No. 694

Passed the Assembly May 28, 2009

Chief Clerk of the Assembly

Passed the Senate September 3, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal Chapter 642 of the Statutes of 1929, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 694, Saldana. Tidelands and submerged lands: City of San Diego.

Under existing law, various grants of tidelands and submerged lands have been made in trust to local agencies, including several grants of specified tidelands to the City of San Diego. Existing law provides that certain tidelands granted to the City of San Diego ceased to be tidelands and were free from all trusts and restrictions, subject to specified conditions.

This bill would repeal the provisions freeing former tidelands granted to the City of San Diego from use restrictions and would specify that the repeal of those provisions shall not be construed to overturn or nullify the decision of a federal district court concerning certain tidelands in the City of San Diego or any title settlement agreement entered into by the state. The bill would require the State Lands Commission to represent the state and to cooperate in resolving title and boundary issues involving tidelands and submerged lands.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Sections 3 and 4 of Article X of the California Constitution, formerly Sections 2 and 3 of Article XV of the California Constitution, were adopted both to protect the state's waterways and promote public access to those waterways.

(b) The state's sovereign interests in tidelands, submerged lands, and the beds of nontidal navigable waters, whether filled or unfilled, are held in trust to be protected as public trust lands pursuant to the California Constitution and the common law public trust doctrine.

(c) As trustee of California public trust lands, the state has a duty to protect and promote public access to, and use of, these lands for trust purposes, including, but not limited to, maritime commerce and commercial and recreational navigation and fishing.

(d) Recognizing that the use of the state's tidelands and submerged lands by the United States has been beneficial to the state's economic interests and the nation's defense interests and that the continued use of those lands is necessary for military and naval defense purposes as set forth in Section 8 of Article I of the United States Constitution, regarding the authority of Congress, and in Section 2 of Article VI of the United States Constitution, regarding federal supremacy, that authorize Congress to provide for the military defense of the United States, nothing in this act shall be construed to interfere with military operations or national defense activities by the United States on public trust lands acquired from the state or its trustees for military defense uses.

SEC. 2. Chapter 642 of the Statutes of 1929 is repealed.

SEC. 3. As authorized by existing law, including, but not limited to, Sections 6210, 6222, 6301, 6307, and 6308 of the Public Resources Code, the State Lands Commission shall represent the state and cooperate with the state's local trustees and the United States in resolving their respective title and boundary issues involving tidelands and submerged lands, including, but not limited to, those involved in the Base Closure and Realignment Law as provided in subsection (d) of Section 2903 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160 (Nov. 30, 1993) 107 Stat. 1915).

SEC. 4. The repeal of Chapter 642 of the Statutes of 1929 shall not be construed as overturning or otherwise nullifying the decision in *United States of America v. 15.320 Acres of Land* (1991) U.S. Dist. LEXIS 21875 or any title settlement agreement entered into by the State of California.

Approved _____, 2009

Governor